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5 Attorney for Plaintiff
PATRICIA CLAIRE BANKSTON
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8 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 **SAN JOSE DIVISION**

10 PATRICIA CLAIRE BANKSTON,

11 Plaintiff,

12 v.

13 PATENAUDE & FELIX, A
14 PROFESSIONAL CORPORATION, a
California corporation, and RAYMOND
15 ALCIDE PATENAUDE, individually and in
his official capacity,

16 Defendants.
17

Case No. C07-03396-JW-PVT

**EXPERT DECLARATION OF SCOTT
MAURER IN SUPPORT OF
PLAINTIFF'S MOTION FOR
ATTORNEY FEES AND COSTS**

18 I, Scott Maurer, declare under penalty of perjury, under the laws of the State of California
19 and the United States, 28 U.S.C. § 1746, that the following statements are true:

20 1. I am a member in good standing of the California State Bar. This declaration
21 is submitted in support of Plaintiff's motion for reasonable attorneys' fees and expenses. I make
22 this declaration based on my own personal knowledge, except for those statements based on
23 information and belief, and as to those matters I believe them to be true, and if called upon as a
24 witness could and would testify thereto.

25 2. I graduated from Santa Clara University School of Law with distinction in
26 1995. I was admitted to the bar in December, 1995. Since February 1, 1996, I have been a
27 Supervising Attorney at the Katherine and George Alexander Community Law Center (formerly
28 known as the East San José Community Law Center). At the Law Center, I supervise the handling

1 of all consumer cases.

2 3. In 2004, I filed a motion for attorney's fees in conjunction with an FDCPA
3 case, seeking to be awarded fees at a rate of \$280 per hour. On March 16, 2004, the Honorable
4 James Ware awarded me the rate of \$280 per hour and 100% of the fees requested. (Case No. C 03-
5 03128, *Gonzales v. Exigere*, N.D. Cal; Order Granting Plaintiff's Motion for Default Judgment
6 Pursuant to Rule 55(b)(2), 11:11-12:7).

7 4. In the last two year, I have been awarded \$300 per hour for my work by three
8 different trial court judges, as described in more detail in ¶¶ 5-7 below. Although those cases did
9 not involve the FDCPA, all were consumer cases and all involved alleged violations of California's
10 Automobile Sales Finance Act (ASFA). In my opinion these ASFA cases are similar in complexity
11 to FDCPA cases.

12 5. On May 30, 2006, the Honorable Gregory H. Ward awarded 100% of the fees
13 requested, and issued an order specifically finding that \$300 per hour was reasonable. (Case No.
14 1-05-CV-038566, *Solorzano v. Lobel Financial et al.*, Santa Clara County Superior Court; Order
15 Awarding Attorney's Fees to Plaintiff's Counsel).

16 6. On November 28, 2006, the Honorable Neal A. Cabrinha issued an order
17 following a contested fee motion awarding me fees at \$300 per hour. Again, the order specifically
18 found that my requested rate was reasonable. The order was entered on December 6, 2006 in *Ford*
19 *Motor Credit Company v. Perea*, Santa Clara County Case Number 1-05-CV-049314.

20 7. On January 31, 2007, the Honorable Richard Keller issued an order following
21 a contested fee motion awarding me fees at \$300 per hour. Again, the order specifically found that
22 my requested rate was reasonable. *Pacific Credit Service Union v. Samper*, Alameda County Case
23 Number FD 52455455.

24 8. I am familiar with Mr. Schwinn's work by, among other things, his
25 volunteering at our law clinic. I am also familiar with attorneys' rates in this geographical area.

26 9. I understand that Mr. Schwinn is seeking a rate of \$300 per hour. I
27 understand that Mr. Schwinn was first admitted in 1997. Based on my work with Mr. Schwinn, I
28 believe his expertise in FDCPA issues is comparable to my own. Based on all of the above, and on

1 standard rates in the area from my own knowledge, I believe that \$300 is a reasonable hourly rate
2 for Mr. Schwinn's time.

3 Executed at San Jose, California on June 16, 2008.

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